

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

MAUREEN BROUGHTON  
MURRAH,

Plaintiff,

v.

Case No. 3:20-cv-58-TJC-MCR

AMERICAN RECOVERY  
SYSTEMS, INC., KEYSTONE  
BEHAVIORAL PEDIATRICS,  
LLC, and KATHERINE DALE  
FALWELL,

Defendants.

---

**ORDER**

This case is before the Court on Defendant Falwell's Motion to Dismiss Count VII of the Amended Complaint (Doc. 13) and Defendant Keystone's Motion to Dismiss Counts VI and VII of the Amended Complaint (Doc. 14). On January 25, 2021, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 19) recommending that Falwell's motion be granted, that Keystone's motion be granted as to Count VII and denied as to Count VI, and that Count VII be dismissed without prejudice. No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 72(b). Upon de novo review

of the file and for the reasons stated in the Report and Recommendation, it is hereby

**ORDERED:**

1. The Report and Recommendation of the Magistrate Judge (Doc. 19) is **ADOPTED** as the opinion of the Court.

2. Defendant Katherine Dale Falwell's Motion to Dismiss Count VII of the Amended Complaint (Doc. 13) is **GRANTED**.

3. Defendant Keystone Behavioral Pediatrics, LLC's Motion to Dismiss Counts VI and VII of the Amended Complaint (Doc. 14) is **GRANTED** as to Count VII and **DENIED** as to Count VI.

4. Count VII is **DISMISSED without prejudice**. Plaintiff Murrah is **granted leave to amend** Count VII no later than **March 12, 2021**. If she does not file an amended Count VII by March 12, 2021, Count VII will be dismissed with prejudice and Defendant Falwell will be dismissed as a party to the case.

5. If Plaintiff does not file proof of service on Defendant American Recovery Systems by **March 12, 2021**, Counts I through V of the Amended Complaint will be dismissed without prejudice for failure to effect timely service of process and American Recovery Systems will be dismissed as a party.<sup>1</sup>

---

<sup>1</sup> To date, Defendant American Recovery Systems has not entered an appearance in this action because it has not been served with process. (Doc. 17.)

**DONE AND ORDERED** in Jacksonville, Florida the 12th day of  
February, 2021.



*Timothy J. Corrigan*  
TIMOTHY J. CORRIGAN  
United States District Judge

tn  
Copies to:

Honorable Monte C. Richardson  
United States Magistrate Judge

Counsel of record